

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 18, 2003
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor pro tem Kelly.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item I., Minutes of the Regular Meeting of February 4, 2003, Agenda Item IV.B., Fox Meadow Park Improvement No. PK03-2, and Agenda Item V.E. 2003, Labor Agreement for Local 49er's (Public Works).

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Absent: Maetzold

Motion carried.

GOOD SAMARITAN BOY SCOUT TROOP INTRODUCED Mayor pro tem Kelly introduced the Boy Scout Troop from Good Samaritan Church who were working on their Citizenship Badge.

RESOLUTION NO. 2003-23, APPRECIATION FOR ROY TERWILLIGER Mayor pro tem Kelly noted that Senator Terwilliger had served the City of Edina well for his entire tenure in the legislature. Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION NO. 2003-23

RESOLUTION OF APPRECIATION

Whereas, Roy Terwilliger was elected to the Minnesota Senate on January 4, 1992, in a special election as the Senator from District 42 serving all of Edina and part of Eden Prairie and served in that capacity until January 6, 2003; and

Whereas, during those eleven years in public office, Roy Terwilliger has served on numerous committees and commissions including Education, Finance, Higher Education Budget Division, Jobs, Housing and Economic Development, Transportation, Transportation and Public Safety Budget Division, Government Operations, Health and Human Services, Rules, Ethical Conduct, Election, Council on Black Minnesotans and Legislative Commission on Pensions and Retirement; and

Whereas, Roy Terwilliger during his years of public service has contributed greatly to the well-being of the State of Minnesota and to Senate District 42; and

Whereas, Roy Terwilliger has deservedly held the respect and regard of his fellow residents of the City of Edina.

Now, Therefore, Be It Resolved that the Edina City Council does hereby express its appreciation on behalf of all Edina citizens to

ROY TERWILLIGER

for his unselfish and dedicated service as a member of the Minnesota State Legislature; and

Be It Further Resolved, that this resolution be entered in the minutes of the Edina City Council and that an appropriate copy be presented to him.

Adopted this 18th day of February 2003. Member Masica seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

RESOLUTION NO. 2003-24, APPRECIATION FOR 50TH ANNIVERSARY OF EDINA POPS Mayor pro tem Kelly commended the Edina High School Pops Band on their 50th Anniversary.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2003-24
RESOLUTION OF APPRECIATION**

Whereas, the Edina High School Concert Band has rehearsed and performed since the founding of Edina High School in 1949; and

Whereas, under the inspired leadership of its conductors—Butler, Eitel, Melichar, Elledge and Webb—the Band for 49 consecutive years has earned “Superior” rankings (the highest achievable) at the Minnesota State High School League contests; and

Whereas, the Band has a history of major convention performances, including appearances at the Midwest Clinic, Iowa Bandmasters Association (as the only out-of-state high school band ever invited) and Minnesota Music Educators Association; and

Whereas, Edina High School through its fifty annual Pops Concerts has skillfully crafted an exquisite lyric mosaic fashioned from brass, silver and wood; and

Whereas, this year’s Pops Concert titled “Pops ... A Golden Celebration” will be held Feb. 21, 22, 27, 28 and March 1 and 2, and an reunion banquet celebration to be attended by several hundred band alumni held March 1;

Now, Therefore, Be It Resolved that the Edina City Council does hereby express its thanks and appreciation on behalf of all Edina citizens to the

EDINA HIGH SCHOOL CONCERT BAND

for their fifty years of entertainment to the citizens of Edina; and

Be It Further Resolved, that this resolution be entered in the minutes of the Edina City Council.

Adopted this 18th day of February 2003. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Joe Strand and Scott Dixon, members of the Edina High School Pops Band, accepted the Resolution of Appreciation for the 50th Anniversary of Edina Pops and extended their personal invitation to the Council and audience to attend this 50th Anniversary Concert.

MINUTES OF THE REGULAR MEETING OF FEBRUARY 4, 2003, AND WORK SESSION OF FEBRUARY 4, 2003, APPROVED Member Masica removed the Minutes of the Regular Meeting of February 4, 2003, from the Consent Agenda for further information. She asked that the December 23 and 26, 2002 Special Meetings’ minutes during which the Council extended the moratorium of demolitions in the Country Club District be added in the Minutes of February 4, 2003.

Motion made by Member Masica approving the Minutes of the Regular Meeting of the Edina City Council for February 4, 2003, as corrected, and Work Session of February 4, 2003. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

ORDINANCE NO. 850-A23 ADOPTED; DESIGNATING EDINA COUNTRY CLUB DISTRICT AS A HERITAGE LANDMARK DISTRICT PURSUANT TO SECTION 850.20 OF THE CITY CODE; ADOPTED RESOLUTION NO. 2003-16, PLAN OF TREATMENT FOR COUNTRY CLUB DISTRICT; AND ADOPTED ORDINANCE NO. 2003-3, AMENDING CODE SECTION 850.20 SUBDIVISION 11, APPEALS CLARIFICATION AND RESCINDING MORATORIUM ON DEMOLITIONS Affidavits of Notice were presented, approved and ordered placed on file.

Manager Hughes reviewed the actions for consideration by the City Council as follows:

- Second reading of Ordinance No. 850-A23, amending Section 850 by adding the Edina Heritage Landmark Zoning designation to the following property:

Z-03-01	Edina Country Club District	
Z-03-02	George W. Baird House	4400 West 50 th Street
Z-03-03	Jonathan Grimes House	4200 West 44 th Street
Z-03-04	Paul Peterson House	5312 Interlachen Boulevard
Z-03-05	Cahill School	4918 Eden Avenue (Tupa Park)
Z-03-06	Minnehaha Grange Hall	4918 Eden Avenue (Tupa Park)

- Adopt Resolution #2003-16 approving a Plan of Treatment for the Edina Country Club District
- Adopt Ordinance No. 2003-03 amending Section 850.20, Subd. 11, addressing the appeals process and repealing Ordinance No. 2002-12 imposing the moratorium on tear-downs in the Country Club District.

Mr. Hughes noted that the Heritage Preservation Board suggested the following definition of demolition: "Certificates of appropriateness will be required for the demolition of any principal dwelling or garage. For purposes hereof, "demolition shall mean the physical alteration of a building such that 50% or more of the surface area of all exterior walls, in the aggregate, are removed. He said the Board felt this clarified the area of concern expressed by the Council.

In addition, Mr. Hughes explained the proposed changes to the zoning ordinance relative to an appeal from a denial of a Certificate of Appropriateness. He said recommended the Council considering the following change to the zoning section of the City Code:

"Any party aggrieved by a decision of the Heritage Preservation Board or an administrative official may appeal such decisions by filing a written appeal with the City Clerk no later than ten days after the decision of the Heritage Preservation Board or administrative official. If not so filed, the right of appeals shall be deemed waived and the decision of the Heritage Preservation Board or administrative official shall be final. Upon receipt of the appeals, the City Clerk shall transmit a copy of said appeal to the Heritage Preservation board. The Council shall hear and decide all appeals in the manner provided in paragraph H. of Subsection 850.04 of the Code."

Member Masica asked if Item 12 from the proposed treatment plan, which stated that the City would develop and implement a plan for preservation, maintenance and replacement of all public infrastructure with the District, would be over and above what had normally been done for public improvements. Mr. Hughes replied that this would ensure that any replacement of lights, sidewalks, etc. be made keeping mindful the historic nature of the area.

Member Masica asked what was meant by "contributing" and "noncontributing" properties within the district boundaries. Mr. Hughes answered these were terms used in the National Historic Register for identification purposes. During the decennial re-survey houses would be identified in both categories and the City's Plan of Treatment be revised accordingly.

Member Housh thanked the staff and Heritage Preservation Board for the hard work put in developing the City's ordinance regulating the Historical Landmark Zoning designation and the Plan of Treatment to preserve these important properties within the City of Edina.

Public Comment

Brad Forrest, 4400 West 50th Street, stated he was the owner of one of the homes designated in the Historical Landmark Zoning District and would like to know the guidelines for a Certificate of Appropriateness for his property. Mr. Hughes explained the Plan of Treatment currently under consideration was only for the Country Club District and that the other properties on the list will have specific Plans of Treatment developed for them. He added the development of these plans would involve the homes' owners.

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Member Masica made a motion, seconded by Member Hovland to close the public hearing.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Member Masica made a motion to grant second reading to the following ordinance:

ORDINANCE NO. 850-A23

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)
BY ADDING THE DESIGNATION EDINA HERITAGE LANDMARK
TO CERTAIN PROPERTIES IN THE SINGLE DWELLING UNIT DISTRICT
(R-1)**

THE CITY COUNCIL OF EDINA, MINNESOTA, ORDAINS:

Section 1. Subsection 850.20 of Section 850 of the Edina City Code is amended by adding the following thereto:

"The extent of the Edina Heritage Landmark is enlarged by the addition of the following property:

Country Club District, Brown Section: Blocks 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16.

**Country Club District, Fairway Section: Blocks 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,
Hennepin County, Minnesota.**

**The south 295 feet of the east 200 feet of the west 630 feet of the northeast one quarter
of Section 18, Township 28, Range 24, Hennepin County, Minnesota.**

**The northeasterly 95 feet of the southwesterly 145 feet of Lot 15, "Melvin Grimes
Subdivision of Lots 8, 9 and 10 Grimes Homestead."**

Lot 2, Block 1, Beverly Hills 2nd Addition, Hennepin County, Minnesota.

Tract A, Registered Land Survey No. 212, Hennepin County, Minnesota."

Section 2. Effective Date: This Ordinance shall be in full force and effect upon adoption and publication according to the law.

Adopted this 18th day of February 2003.

First Reading: February 4, 2003

Second Reading: February 18, 2003

Published: February 27, 2003

Attest

City Clerk

Mayor

Member Housh seconded the motion.

Roll call:

Ayes: Housh, Hovland, Masica, Kelly

Absent: Mayor Maetzold

Motion carried.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2003-16
ADOPTING PLAN OF TREATMENT
COUNTRY CLUB DISTRICT**

**WHEREAS, the Edina Country Club is one of the first modern planned communities in
Minnesota, and**

**WHEREAS, the land use controls exercised by the original Country Club Association
formed the basis for the first municipal zoning ordinance in 1929, and**

WHEREAS, the Edina Country Club District represents a significant, well preserved concentration of historic domestic architecture, and

WHEREAS, the Edina Country Club District was listed on the National Register of Historic Places in 1980, and

WHEREAS, a survey of Country Club District residents indicated a strong desire to protect the historic integrity of the neighborhood by regulating the demolition of homes and the construction of new homes, and

WHEREAS, the Edina Heritage Preservation Board on January 14, 2003, did review and approve to nominate the Edina Country Club District for designation as an Edina Heritage Landmark, and

WHEREAS, the Edina Planning Commission on January 29, 2003, did also review and recommend to approve the nomination of the Edina Country Club District for designation as an Edina Heritage Landmark.

NOW, THEREFORE BE IT RESOLVED, that the Edina City Council adds the Heritage Landmark zoning designation to the Edina Country Club District and adopts the plan of treatment designed to identify the goals and procedures for preservation.

ADOPTED this 18th day of February 2003. Member Housh seconded the motion.

Roll call:

Ayes: Housh, Hovland, Masica, Kelly

Absent: Mayor Maetzold

Motion carried.

Member Hovland made a motion to grant First Reading and waive Second Reading for Ordinance No. 2003-03 as follows:

EDINA ORDINANCE NO. 2003-03

AN ORDINANCE AMENDING SECTION 850.20 TO CLARIFY THE HERITAGE PRESERVATION BOARD APPEALS PROCESS AND REPEALING ORDINANCE 2002-12 IMPOSING A MORATORIUM

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Subd. 11 of Subsection 850.20 is amended as follows:

"Subd. 11. Appeals. Any party aggrieved by a decision of the Heritage Preservation Board or an administrative official may appeal such decision by filing a written appeal with the City Clerk no later than ten days after the decision of the Heritage Preservation Board or the administrative official. If not so filed, the right of appeal shall be deemed waived and the decision of the Heritage Preservation Board or administrative official shall be final. Upon receipt of the appeal, the City Clerk shall transmit a copy of said appeal to the Heritage Preservation Board. The Council shall hear and decide all appeals in the manner provided by paragraph H of Subsection 850.04 of the Code.

Section 2. City of Edina Ordinance No. 2002-12 is hereby repealed in its entirety.

Section 3. This ordinance shall be in full force and effect upon passage and publication but shall not be effective earlier than the publication of Ordinance 850-A23.

Adopted this 18th day of February 2003.

First Reading: February 4, 003

Second Reading: Waived

Published: February 27, 2003

Attest

City Clerk

Mayor

Member Housh seconded the motion.

Roll call:

Ayes: Housh, Hovland, Masica, Kelly

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Absent: Mayor Maetzold
Motion carried.

RESOLUTION NO. 2003-25 ADOPTED GRANTING PRELIMINARY PLAT FOR CURT FRETHAM (6400 RYAN AVENUE SOUTH) Affidavits of Notice were presented, approved and ordered placed on file.

Planner Larsen explained the subject property was the last original lot from the plat of Nomandale platted in 1914. He said the property was currently developed with a single dwelling home. The developer requested permission to split the property and construct one single dwelling home on each lot. The existing dwelling would be demolished. All the original lots were platted as through lots with frontages on two streets. He stated that many of the original lots were acquired for construction of the Crosstown and Highway 100 interchange. Most of the other through lots were divided in the 1960's. Mr. Larsen reported the following lot size comparison in the 500-foot neighborhood:

500-Foot Neighborhood			
	<u>Lot Width</u>	<u>Lot Depth</u>	<u>Lot Area</u>
	121 feet	122 feet	14,806 S.F.
Proposed Lots			
	<u>Lot Width</u>	<u>Lot Depth</u>	<u>Lot Area</u>
Lot 1	121 feet	122 feet	14,782 S.F.
Lot 2	121 feet	122 feet	14,775 S.F.

Mr. Larsen reported that the Planning Commission recommended the Council consider granting the requested preliminary plat with two conditions: payment of subdivision dedication and obtaining the necessary watershed district permits. He added the character of the neighborhood was not as it had been originally platted and the property as currently developed did not fit with the neighborhood. However, after the new subdivision and construction of two homes the character of the neighborhood would be met. Mr. Larsen noted the needed lot area variance would be minimal.

Member Hovland asked what would happen if the City granted the subdivision then the property owner decided to not remove the existing home or build on each individual lot. Mr. Larsen replied the property would not be subdivided until the "encroachment" (existing house) was removed.

No one appeared to comment on this item.

Mayor pro tem Kelly commented that while he was not a proponent of granting variances in this case, he supported granting the subdivision of the property as requested.

Member Housh made a motion seconded by Member Masica to close the public hearing.

Ayes: Housh, Hovland, Masica, Kelly
Absent: Maetzold
Motion carried.

Member Housh made a motion introducing the following resolution and moving its adoption conditioned upon the developer paying subdivision dedication and obtaining all necessary watershed district permits.

**RESOLUTION NO 2003-25
APPROVING PRELIMINARY PLAT
FOR FRETHAM ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "FRETHAM ADDITION", platted by Curt Fretham and presented at the regular meeting of the City Council on February 18, 2003 be and is hereby granted preliminary plat approval subject to the following two conditions:

1. Subdivision dedication based upon the raw value of the land; and
2. Obtaining the necessary Watershed District Permits

Passed and adopted by the Edina City Council this 18th day of February 2003.

Member Masica seconded the motion.

Roll call:

Ayes: Housh, Hovland, Masica, Kelly

Absent: Mayor Maetzold

Motion carried.

ORDINANCE NO. 2003-4 APPROVED - AMENDMENT TO CODE SECTION 850.16 ALLOWING PRODUCE STANDS IN THE PCD 1, 2, AND 3 DISTRICTS Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Larsen said there used to be a produce stand in the Rosland Park parking lot that had been moved to Utley Park after several years because of parking concerns. The Utley Park location was discontinued because of traffic safety concerns. He reported that last year there were no stands within the City.

Mr. Larsen noted that the City had received numerous requests for a produce stand within the City; however, Edina's Zoning Ordinance did not allow such stands. Sales of products must be from a permanent structure with a floor area of at least 1,000 square feet. In response to the requests, staff suggested amending the zoning ordinance by adding produce stands as a permitted use in the PC-1, 2 and 3 Zoning Districts. He added the location of the stands would be subject to a permit issued by the City Manager. Mr. Larsen outlined the following conditions for produce stand permits:

1. Consent of property owner;
2. Adequate parking to support stand and principal use of property;
3. Location of stand will not cause traffic problems on-site or on public right-of-way;
4. Stands shall not be larger than 180 square feet;
5. All signage must be affixed to the stand;
6. Permits shall be valid from June 1, to October 1, of a given calendar year; and
7. Permits shall be issued only for properties located in the PCD-1, 2, or 3 Districts.

Member Masica expressed concern whether the various PCD Districts would be large enough to support a produce stand. Mr. Larsen explained the permit process would address adequacy of the site to support the operation of the stand and principal business.

Member Hovland expressed concern about potential stand owners expanding their line to selling more than "produce". Consensus was to allow the stands to operate under the amended ordinance. If necessary further amendments could be considered. It was suggested that the family who previously operated the produce stand in Edina be informed of this amendment.

No one appeared to offer public comment.

Member Housh made a motion, seconded by Member Hovland to close the public hearing.

Ayes: Housh, Hovland, Masica, Kelly

Absent: Maetzold

Motion carried.

Member Housh made a motion to grant first reading and waive second reading for Ordinance No. 2003-4 as follows:

**ORDINANCE NO. 2003-04
AN ORDINANCE AMENDING THE ZONING
ORDINANCE (NO. 850) BY ADDING PRODUCE
STANDS AS AN ACCESSORY USE IN
THE PLANNED COMMERCIAL DISTRICT (PCD-1)
THE CITY COUNCIL OF EDINA, MINNESOTA, ORDAINS:**

Section 1. Subsection 850.16, Subd 6 of Section 850 of the Edina City Code is amended by adding the following thereto:

“Produce stands pursuant to a permit issued by the Manager.”

Section 2. Effective Date: This Ordinance shall be in full force and effect upon adoption and publication according to the law.

Adopted this 18th day of February 2003.

First Reading: February 4, 003

Second Reading: Waived

Published: February 27, 2003

Attest

City Clerk

Mayor

Member Masica seconded the motion.

Roll call

Ayes: Housh, Hovland, Masica, Kelly

Absent: Mayor Maetzold

Motion carried

ORDINANCE NO. 2002-11 - REGULATION OF BODY ART CONTINUED TO MARCH 4, 2003, REGULAR COUNCIL MEETING Sanitarian Velde reviewed the changes made to the proposed ordinance at the direction of Council on February 4, 2003. Mr. Velde explained that the definition for an ear piercing system was broad. However, where the term had been used in the language of the ordinance referring to the exemption for licensing, the language stated the ear piercing system be of the single use cassette or cartridge style. He added the cassette or cartridge was sterile and was the only part of the system that came into contact with the ear lobe during piercing operations.

Mr. Velde said he added language to Section 745.08 Subd. 1 requiring the use of single-use gloves while performing body art procedures when touching clients, for handling sterile instruments, or for handling blood or body fluids.

Mr. Velde stated the parental consent language had also been modified to require written consent of both parents and at least one custodial parent must give their consent in person for persons under the age of 18 requesting piercing or tattooing.

Member Masica expressed her concern that existing businesses such as Claire's would be negatively impacted by adoption of the proposed ordinance. She indicated her desire to exempt Claire's from the ordinance. Mayor pro tem Kelly said he felt the proposed ordinance had been worked on rather extensively and felt it could go ahead as presented. Member Masica stated she felt the affected businesses in the area needed to be contacted and the proposed ordinance disseminated so they could react to it.

Following a brief discussion, **Member Masica made a motion to continue consideration of second reading for Ordinance No. 2002-11 - Regulation of Body Art to the March 4, 2003 regular Council meeting.** Member Housh seconded the motion.

Ayes: Housh, Hovland Masica, Kelly

Absent: Mayor Maetzold

Motion carried.

FIRST READING GRANTED TO ORDINANCE NO. 2003-2 - CENTERPOINT ENERGY MINNEGASCO FRANCHISE RENEWAL ORDINANCE

Assistant Manager Anderson explained Centerpoint Energy Minnegasco has been working throughout the metro area over the last year renewing their franchise agreements with cities. The existing franchise with Edina will expire in June 2003. Mr. Anderson said the franchise ordinance as proposed was a derivative of the League of Minnesota Cities (LMC) and suburban Rate Authority (SRA) Model Gas Ordinance that has been used by all the cities that have renewed their franchise agreements with Centerpoint. He said the agreement would give Centerpoint a nonexclusive right to distribute gas via use of public ground to customers within the City for a term of 20 years. Mr. Anderson explained Edina's proposed franchise differed from the LMC/SRA model ordinance in the following areas:

1. The previous franchise agreement specified policies and procedures for the disturbing of streets and public right-of-ways. The new franchise references Section 421 of the City Code, relative to right-of way management.
2. The model ordinance suggested if the City elects to require a franchise fee, that City and Centerpoint must negotiate in good faith to reach a mutually acceptable agreement. If unable to reach an agreement, the parties would agree to have the State District Court determine the fee. Under Edina's proposed franchise ordinance, the City would have the right to adopt a franchise fee under a separate ordinance. The fee must be imposed on all energy providers in the City and would specify methods to calculate the fee (percentage of gross revenues, flat meter based fees or combinations thereof). Staff and the City Attorney felt it was important to have this franchise fee language in the new ordinance because in 1995, when the City renewed its franchise agreement with Xcel energy (at that time NSP), that renewal ordinance specified comparable fee language and indicated it must be imposed on other energy providers within the City.

Mr. Anderson indicated staff was not recommending imposing a franchise fee at this time, but wanted to reserve the right to charge a fee at some time in the future should economic conditions indicate a need for such a fee. He said staff recommended the Council grant first reading.

Member Housh asked if the City were to enact a franchise fee would it be placed onto the customers' bills, whether State Statute allows cities to impose such a fee and whether rights would transfer with any franchise ownership transfer. Mr. Anderson responded that a franchise fee would calculate to about \$1.25 per month for residential users. Attorney Gilligan stated that the City has the authority to impose a franchise fee. Connie Hargest, Centerpoint Energy/Minnegasco, noted a section existed in the franchise agreement dealing with the terms of the agreement should a transfer of ownership take place.

Member Housh made a motion seconded by Member Masica closing the public hearing.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Ms. Hargest said additional information has been provided about the company history. She added that Centerpoint/Minnegasco has over \$13 million of infrastructure within Edina for which they pay over \$200,000 in property taxes. Centerpoint/Minnegasco would not actively pursue a franchise fee,

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and if one were to be imposed, would view it as a tax. Ms. Hargest stated that if Edina chose to impose a franchise fee, Centerpoint/Minnegasco would collect the fee from their customers. She added that Centerpoint/Minnegasco would ask any such fee be imposed by a separate Ordinance and the public be well informed of it.

Member Masica made a motion granting First Reading to Ordinance No. 2003-2, Franchise Ordinance for Centerpoint Energy Minnegasco. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

***BID AWARDED FOR TWO GREENSMOWERS FOR BRAEMAR GOLF COURSE** Motion made by Member Hovland and seconded by Member Housh for award of bid for two greensmowers for Braemar Golf Course to recommended low bidder, MTI Distributing at, \$33,550,00, plus tax.

Motion carried on rollcall vote – four ayes.

AWARD OF BID FOR FOX MEADOW PARK IMPROVEMENT NO. PK03-2 Member Masica removed the Award of Bid for Fox Meadow Park Improvement No. PK03-2 from the Consent Agenda for further information. She asked for more information on the bid alternates being awarded and about the \$100,00 earmarked from the Developer's Fund wondering if this were a dedicated fund. Park Director Keprios reviewed the alternates recommended for award noting that eight alternates had been recommended for award, while two were not awarded. He explained this was a good bidding environment since competition seemed keen between bidders. Mr. Hughes explained that Developer's Funds were from subdivision dedication fees and by law were placed in a restricted fund used only to improve park property.

Member Masica made a motion for award of bid for Fox Meadow Park Improvement No. PK03-2 to recommended low bidder, Arrigoni Brothers Company, at \$139,634.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

***BID AWARDED FOR FERTILIZER PURCHASE FOR BRAEMAR AND FRED RICHARDS GOLF COURSES** Motion made by Member Hovland and seconded by Member Housh for award of bid for fertilizer for Braemar and Fred Richards Golf Courses to recommended low bidder, Simplot Partners, at \$19,438.81.

Motion carried on rollcall vote – four ayes.

BID AWARDED FOR CONCRETE/MASONRY - CITY HALL Mr. Anderson explained that bids were opened for thirty different bid categories for the City Hall/Police Department project representing the balance of the building and site improvements with the exception of the demolition of the existing City Hall. He said the Construction Manager's estimate for the concrete/masonry bid package had been \$1,650,000.00. The actual bids came in at \$1,560,000.00. Mr. Anderson recommended approval of the bid.

Member Housh made a motion for award of bid for concrete and masonry for City Hall/Police Department with additional add alternate #2, (cork flooring) to recommended low bidder, Serice Construction Company at \$1,560,000.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

BID AWARDED FOR STRUCTURAL STEEL - CITY HALL Mr. Anderson indicated bids were opened on February 13, 2003, for the structural steel material for City Hall/Police Department adding that steel erection will be awarded as a separate issue.

Member Housh made a motion for award of bid for the structural steel for City Hall/Police Department to recommended low bidder, American Structural Metals, at \$173,235.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

***TRAFFIC SAFETY STAFF REVIEW OF FEBRUARY 10, 2003, APPROVED** Motion made by Member Hovland and seconded by Member Housh approving the Traffic Safety Staff Review of February 10, 2003, Section A:

1. NO PARKING ANYTIME restrictions for the south side of the 5700 block of Benton Avenue; and

B, and C.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2003-17 - AUTHORIZING THE CITY OF EDINA TO ENTER INTO AN AGREEMENT WITH HENNEPIN COUNTY TO ACCEPT FUNDING FOR THE EDINA RECYCLING PROGRAM** Motion made by Member Hovland and seconded by Member Housh introduced the following resolution and moved its adoption:

RESOLUTION NO. 2003-17
AUTHORIZING THE CITY OF EDINA
TO ENTER INTO A 2003
MUNICIPAL RECYCLING GRANT
AGREEMENT WITH HENNEPIN COUNTY

WHEREAS, the City of Edina operates a recycling program consistent with Minnesota Statutes 115A.02 and 115A.03, as amended by the Laws of Minnesota 1992, Chapter, 685, and Minnesota Statutes, 473.8011; and

WHEREAS, the Edina Recycling Program is consistent with the Office of Environmental Assistance Solid Waste Management Development Guide/Policy Plan, the Hennepin County Solid Waste Master Plan; and the Hennepin County's Residential Recycling Funding Policy; and

WHEREAS, the Hennepin County Board has adopted a Resolution authorizing funding for Municipal Recycling Programs.

NOW, THEREFORE, BE IT RESOLVED, by the Edina City Council that the Mayor and the City Manager enter into an Agreement with Hennepin County to accept funding for the Edina Recycling Programs.

Adopted this 18th day of February 2003.

Motion carried on rollcall vote – four ayes.

***ANNUAL APPOINTMENT OF WEED INSPECTOR** Motion made by Member Hovland and seconded by Member Housh appointing Vince Cockriel, Park Superintendent, as Assistant Weed Inspector for the City of Edina for year 2003.

Motion carried on rollcall vote – four ayes.

STRATEGIC PLANNING/GOAL SETTING RETREAT DATE SET FOR APRIL 5, 2003 Mr. Hughes indicated at a previous meeting, Council requested a retreat for further discussion concerning the prospect of Strategic Planning/Goal Setting. Past retreats typically have been held on a Saturday from 8:00 A.M. until early afternoon.

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Following a brief Council discussion, April 5, 2003, was set for a Council Strategic Planning/Goal Setting retreat.

2003 LABOR AGREEMENT FOR LOCAL 49ER'S (PUBLIC WORKS) APPROVED Member Housh removed the 2003 Labor Agreement for the Local 49er's (Public Works) from the Consent Agenda for further information. He asked what impact the Governor's proposed freeze of public employees wages would have on this contract. Mr. Hughes replied that both Edina's attorney and the League of Minnesota Cities has assured the City that since they have negotiated in good faith, they must follow through on the contract at this time.

Member Housh made a motion approving the 2003 Labor Agreement for Local 49er's (Public Works) as follows:

Wages:	3% increase
Insurance:	\$40.00/month increase of City contribution.

Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

STATE AID SIDEWALK REPORT CONTINUED TO REGULAR COUNCIL MEETING OF MARCH 4, 2003 Mr. Hughes suggested since the hour was late the Council continue the State Aid Sidewalk Report to the Regular Council Meeting of March 4, 2003.

Member Hovland made a motion to continue the State Aid Sidewalk Report to the Regular Council Meeting of March 4, 2003. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 5, 2003, and consisting of 30 pages: General Fund \$58,660.81; Communications Fund \$600.00; Working Capital Fund \$48,750.91; Art Center Fund \$10,096.22; Golf Dome Fund \$70.56; Aquatic Center Fund \$5,205.60; Golf Course Fund \$9,173.54; Ice Arena Fund \$3,903.90; Edinborough/Centennial Lakes Fund \$9,317.70; Liquor Fund \$104,749.67; Utility Fund \$7,381.87; Storm Sewer Fund \$9,143.57; Payroll Fund \$480,000.00; TOTAL \$747,054.35; and for approval of payment of claims dated February 13, 2003, and consisting of 28 pages: General Fund \$202,137.87; CDBG Fund \$108,945.00; Communications Fund \$1,491.70; Working Capital Fund \$17,394.94; Construction Fund \$92,710.03; Art Center Fund \$2,940.45; Golf Dome Fund \$7,491.80; Aquatic Center Fund \$46.88; Golf Course Fund \$5,443.22; Ice Arena Fund \$11,068.34; Edinborough/Centennial Lakes Fund \$5,205.26; Liquor Fund \$145,913.04; Utility Fund \$331,437.61; Storm Sewer Fund \$92,343.95; Recycling Fund \$31,218.70; TOTAL \$1,055,788.79.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2003-20, APPROVING SALE OF \$1,540,000 GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2003A; RESOLUTION NO. 2003-21, \$6,570,000 GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2003B; AND \$3,200,000 GENERAL OBLIGATION WATER AND SEWER REVENUE BONDS, SERIES 2003C Mr. Hughes introduced Sid Inman from Ehlers and Associates. Inc., who explained the City authorized Ehlers to prepare documents for the sale of three individual general obligation bonds. Two rating company's were sent official statements to look at the City of Edina and comment on the City's health and stability. Both Standard & Poor's and Moody's Investors Service has upheld the

City's AAA (Aaa) rating. Mr. Inman said this was significant since Moody's put the State of Minnesota on credit watch. Bids were opened with the following results:

1. General Obligation Equipment Certificates of Indebtedness, Series 2003A at \$1,540,000.

Ten bids were received on the five-year certificates. Ehlers priced the bonds at 3.019 and the lowest recommended responsible bidder is U.S. Bancorp Piper Jaffray at 1.7659%.

2. General Obligation Tax Increment Refunding Bonds, Series 2003B at \$6,570,000.

Mr. Inman said this was a three-year bond and five bids were received. A large premium bid was received allowing the size of the issue to \$6,570,000. The actual savings was approximately 5% with a present value of \$322,000 over the last three years. The recommended lowest responsible bidder was ADVEST, Inc., New York, at 1.5339%

3. General Obligation Water and Sewer Revenue Bonds, Series 2003C at \$3,200,000

The bonds were ten-year bonds. There were eleven bidders and were priced at 3.019. The recommended lowest responsible bidder was United Bankers Bank at 3.0347%.

Mr. Inman recommended approval of the three of the lowest responsible bidders as presented.

Member Housh asked what the AAA (Aaa) rating does for the City. Mr. Inman stated it did two things; 1) the rating added a couple basis points minimum to the bidding and 2) attracted many more bidders. He added that it made Edina an attractively traded City.

Member Hovland inquired whether there had been any degradation of the bond ratings of any other Minnesota cities. Mr. Inman said the recent bond sales have all been on AAA (Aaa) rated cities so there has been no degradation. He added that when future sales take place with lower rated cities there may be some degradation.

Member Masica made a motion closing the public hearing seconded by Member Hovland.

Ayes: Housh, Hovland, Masica, Kelly

Motion carried

Member Masica made a motion approving Resolution No. 2003-20, Approving \$1,540,000 General Obligation Equipment Certificates Of Indebtedness, Series 2003A; Authorizing the Issuance, Awarding the Sale, Fixing the form and Details, and Providing for the Execution and Delivery Thereof and Levying Ad Valorem Taxes for the Payment thereof, and on file in the office of the City Clerk. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Member Masica made a motion approving Resolution No. 2003-21, General Obligation Tax Increment Refunding Bonds, Series 2003B, Relating to \$6,570,000; Awarding the Sale, Fixing the Form and Details and Providing For the Execution and Delivery Thereof and Security Therefore, and on file in the office of the City Clerk. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

Member Masica made a motion approving Resolution No. 2003-22 General Obligation Water And Sewer Revenue Bonds, Series 2003C, for \$3,200,000 Awarding the Sale, Fixing the Form and Details

and Providing for the Execution and Delivery Thereof and Security Therefore, and on file in the office of the City Clerk. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Kelly

Motion carried.

CONCERNS OF RESIDENTS

Bob Kuntze, 5236 Interlachen Boulevard, informed the Council he was a twelve-year resident and a rider of Metro Transit Bus Route 146. Mr. Kuntze expressed his concern over the proposed Park and Ride in Edina Garden Park and its negative impact on current ridership. He said that current riders would no longer be able to walk to the bus, stating it would seem ridiculous to get his car out to drive 1-2 miles to a park and ride. Mr. Kuntze said many current riders do not have cars and if Route 146 is removed will be without transportation.

Jack Falker, 5716 View Lane, stated he has ridden the bus for 26 years. He said he rode 146L, which went out to Lincoln Drive and Opus. Mr. Falker commented that there were several buses on his route and suggested that perhaps the number of buses could be limited without eliminating them entirely. As an alternative perhaps a smaller bus could be used for the western end of the route to shuttle riders to the proposed Park and Ride. He requested assistance of the City in communicating this need to Metro Transit. Mr. Falker suggested that modifications to Route 588 and 146 L could perhaps be workable and reiterated the need for assistance with working with Metro Transit.

Linda Schmitz, 6483 Barrie Road, said she agreed with comments of previous speakers. Ms. Schmitz said she currently has express bus service with Route 35 H, J, K and she does not want to have to drive to a Park and Ride location.

Chuck Prentice, 5009 West 60th Street, said he rode the 588 or 587 almost daily to his job in Minneapolis. Mr. Prentice said he did not want to drive to a Park and Ride. He added that he believed several riders on his bus were not able to drive whom if service were ended, would end up without transportation. He suggested that changes to Route 588 not be implemented until the final location of the Park and Ride be determined. Mr. Prentice suggested several options for modifications to his bus route that would still keep the route serving the same or a very similar area.

Tom Carey, 6812 Cheyenne Circle, told the Council he attended the Southdale meeting on the proposed Sector Five Routes. Mr. Carey stated he felt the changes would cause hardships for many people, including the elderly and people who depend on the bus for transportation to work. He stated that many people were currently using the bus route that has been slated to be changed. His bus was full nearly everyday. Mr. Carey added he did not have a car and would have to walk over a mile in the dark to reach the Park and Ride location both before and after work. Mr. Carey stated that many people like himself do not own cars and therefore, depend upon public transportation to commute to jobs and shopping. He asked that the Council consider this problem and do whatever was possible to help.

Brad Winger, 5705 Continental Drive, stated he rode Bus 146L that his bus was almost full daily. Mr. Winger said he did not own a car and depended upon the bus for transportation to work. He urged the Council to assist citizens in working with Metro Transit to not eliminate the bus routes in Edina in lieu of a Park and Ride that would be impractical for himself and many other citizens.

Jerry Sherman, 6813 Hillside Lane, stated he was a rider of Bus 588. He said in the morning the bus runs at 6:45, 7:08 and 8:15 a.m. from his area near 78th and Cahill. Mr. Sherman said that if he could not continue to catch the bus at its current location he would just drive downtown adding another

vehicle to the already congested freeway. He said that driving his car a mile or so would not make sense so he might just as well use the \$94.50 bus fare monthly towards a parking spot in downtown. Mr. Sherman said he believed there was enough ridership to justify keeping the Edina route proposed for elimination and urged the Council to assist the current bus riders.

Karen Gooch, 5800 Olinger Boulevard, stated she moved to Edina four years ago and was attracted to the City because it was a first ring suburb with mass transit. Ms. Gooch said she believed that it was the City's responsibility to provide this service and urged them to ensure that she would be able to continue riding the bus to work as she does now.

Karla Jackson, 6208 France Avenue, explained she has been taking her bus on Route 52 to her school in St. Paul. Ms. Jackson said her bus is full and in her opinion it would be foolish to eliminate the service. If her bus were to be eliminated she would have a minimum of two transfers to get to her school in St. Paul.

Duncan Sinclair, 6220 Loch Moor Drive, noted he currently rode Bus 588. He stated that if Metro Transit goes ahead with the Sector 5 plan as proposed there will no service to downtown Minneapolis from southwest Edina. He urged the Council to assist the bus riders in their dilemma.

CONCERN OF RESIDENT - FLAG OVER BROOKVIEW AVENUE

Richard Olson, 5408 Brookview Avenue, noted he received a letter from Engineer Houle regarding the flag and wire apparatus over the street on Brookview Avenue. The flag has been lit and displayed since October 2001. The letter stated the flag violated Section 1200 of the City Code. Mr. Olson asked how the City code could be amended to allow the flag over the street to remain in place.

Mr. Hughes indicated that there were two locations in the City having a similar situation, one on Brookview and one on Drexel. Complaints have been received from residents inquiring whether it was lawful to display the flag in such a manner. Mr. Hughes stated the two existing Ordinances dealing with this issue were: 1) Section 1200 which 'prohibits wires or cables above a public street', and 2) in the Sign Ordinance, 'the only type of signage that may be in a right-of-way are regulatory signs'. Mr. Hughes commented that the City does not police for violations but when complaints were received, the City must respond. He added that Mr. Houle's letter offered the services of the Public Works Department to help with the removal of the apparatus, and, if the resident wished to re-install the apparatus on private property.

Mayor pro tem Kelly said the wire and cable appears to be in violation of the Ordinance and he informed Mr. Olson what procedure Mr. Olson needed to follow to request amending the Ordinance. Mayor pro tem Kelly said it would be difficult to support such an amendment.

Member Housh commented that two things bothered him about the apparatus with the flag displayed on Drexel; 1) on occasion the flag has not been lit at night and 2) each time he drove Drexel he wondered if the flag display was within Edina's Ordinance. He added that displaying the flag was commendable but he would not support an amendment to the Ordinance.

Member Hovland said he liked seeing the flag displayed but that was not the right place for displaying it. He stated his opposition to an amendment to the Ordinance.

Member Masica asked what violations the apparatus represented. Mr. Hughes replied that Edina Code Section 1200, 02, Subd. 1 L, prohibits wires or cables above a public street and Edina Code Section 460.03, Subd. 3 provides that no sign shall be placed within any street right-of-way except

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traffic regulatory signs. Ms. Masica said she appreciated Mr. Olson's patriotism but the apparatus was not appropriate.

Mr. Olson said the apparatus with the flag was a beautiful sight at night. He inquired whether the neighborhood could petition for the apparatus to remain in place. Mayor pro tem Kelly replied while displaying the flag was patriotism at its finest, the apparatus needed to be placed on private property.

Mr. Housh suggested each house on the street display a lighted flag to show their support.

No formal Council action was taken.

There being no further business on the Council Agenda, Mayor pro tem Kelly declared the meeting adjourned at 10:20 P.M.

City Clerk